IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY EIGHTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MR JUSTICE GOPALA KRISHNA TAMADA**

**WRIT PETITION NO : 10045 of 1994**

Between:

S. Satyanarayana s/o Suryanarayana, aged 41 years,

Occ: Electrician, Milk Chilling Centre, Visakha Coop.Dairy

Ramachandrapuram, Visakhapatnam District.

**..... PETITIONER**

AND

1. The General Manager, Visakha Coop. Dairy, Visakhapatnam.
2. Managing Director, Andhra Pradesh Dairy Development Co-Op. Federation Limited, Lalapet, Hyderabad.

**..RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue Writ or Direction preferably writ of mandamus declaring the proceedings of the 1st Respondent vide Rc.NO. 2440-B1/92(2) Dated 10-5-1994 as illegal, arbitrary, capricious and also against the principles of natural justice.

**Counsel for the Petitioner:MR.K.VINAYA KUMAR**

**Counsel for the Respondent No.1: Mr.P.B.VIJAYA KUMAR**

**Counsel for the Respondent No.2: GP FOR COOPERATION**

**The Court made the following :**

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ORDER:

This Writ Petition has been filed for issuance of writ or direction preferably in the nature of writ of mandamus declaring the proceedings of the 1st respondent General Manager, Visakha Co-operative Dairy, Visakhapatnam issued vide Rc.No.2440-B1/92(2), dated 10-5-1994 as arbitrary, illegal capricious and also against the principles of natural justice.

The petitioner who was working as an electrician at Milk Chilling Center at Ramabhadrapuram, Vizianagaram District was charge sheeted on the ground of dereliction of duties and for non rectification of Generator defects and thus there was power failure resulting in spoiling of 4118 litres of milk on 17-6-1992. An enquiry was held by the Enquiry Officer and the Enquiry Officer found him guilty of the said charge. Pursuant to the enquiry report, the 1st respondent issued another show cause notice, calling for the explanation of the petitioner as to why an amount of Rs.15,415-20 equivalent to 50% of the value of 4118 litres of milk shall not be recovered from him. He offered another explanation, but however the said explanation was not accepted and the 1st respondent passed the impugned order dated 10-05-1994, imposing penalty of an amount of Rs. 15,415-20 recoverable in 36 equal installments from out of his salary commencing from the month of May,

1994, as against the said order, the present Writ Petition is filed.

Though, the writ petition was admitted by this Court, no interim stay was granted and now admittedly, the said amount had been recovered from out of the salary of the petitioner. This Court is exercising only the review jurisdiction against the orders passed by the Competent Authority-1st respondent in exercising his discretion as sought for. Recovery of only 50% of the amount, in my considered view is perfectly justified, which does not warrant any interference by this Court.

I see no merits in this writ petition and accordingly it is dismissed. No order as to costs.

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Gopala Krishna Tamada,J

28th October, 2004.

KM

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The General Manager, Visakha Coop. Dairy, Visakhapatnam.
2. Managing Director, Andhra Pradesh Dairy Development Co-Op. Federation Limited, Lalapet, Hyderabad.

3 .2CCs to G.P. for Cooperation, High Court Buildings, Hyderabad

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**THE HON'BLE MR JUSTICE GOPALA KRISHNA TAMADA**

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**WRIT PETITION NO : 10045 of 1994**

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**28th October, 2004.**